

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

**FILED**

APR 18 2002

MICHAEL L. WILLIAMS, CLERK  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF OKLAHOMA

In Re: )  
)  
**KELLY RAY REED,** ) **Bankruptcy Case No.: 01-01278-M**  
SS#: 446-64-5263, ) **Chapter 7**  
)  
Debtor, )  
)  
**JAMES HINES and EILEEN ROLAND,** )  
)  
Plaintiffs, )  
)  
vs. ) **Adversary Case No.: 01-0289-M**  
)  
**KELLY RAY REED,** )  
)  
Defendant. )

**JOURNAL ENTRY OF JUDGMENT BY DEFAULT**

**THIS MATTER** comes on for hearing on the 9<sup>th</sup> day of April, 2002, pursuant to an Order Setting Hearing filed herein on March 20, 2002, of which proper notice was given pursuant to a Certificate of Mailing file-stamped March 26, 2002, whereby a copy of said Order Setting Hearing was mailed to Kelly Ray Reed at 409 East Delaware, Cleveland, Oklahoma, 74020 and Kelly Ray Reed at 117 South Birch, Sapulpa, Oklahoma, 74066, all pursuant to said Certificate of Mailing. The Court finds that on February 13, 2002, this Court entered an Order Compelling Discovery herein. Said Order states:

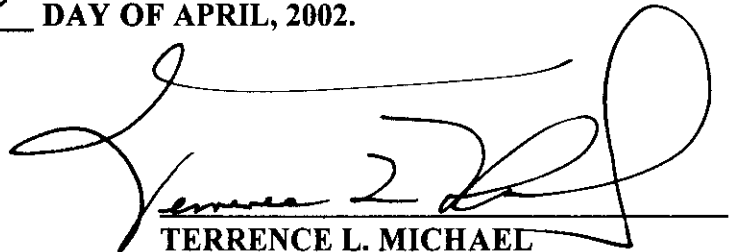
"It is hereby the Order of this Court that Defendant is ordered to comply with discovery requests and answer or respond to Plaintiffs' Interrogatories and Request for Production of Documents by March 8, 2002. **Failure to comply with Order of this Court may result in judgment by default pursuant to Bankruptcy Rule 37**".

**DOCKETED** 4-18-02  
Clerk, U.S. Bankruptcy Court

That the Court finds that the Defendant has failed to comply with this Court's Order Compelling Discovery of February 13, 2002, and has wholly failed to respond to the underlying Interrogatories and Request for Production of Documents. The Court further finds that Kelly Ray Reed has failed to appear for the scheduled hearing. The Court further notes that it was previously found that the discovery requests filed by the Plaintiffs herein consisting of Interrogatories and Request for Production of Documents are necessary for Plaintiffs to prosecute their claim.

**IT IS HEREBY THE ORDER OF THE COURT** that judgment be entered by default pursuant to Federal Bankruptcy Rule 37. It is hereby the Order of this Court that the debt of Kelly Ray Reed in the sum of \$17,900.00 owed to James Hines and Eileen Roland, jointly and severally, is hereby determined nondischargeable pursuant to 11 U.S.C. § 523 (a)(4) and 523 (a)(6), together with interest accruing at the statutory rate.

**IT IS SO ORDERED THIS 8<sup>th</sup> DAY OF APRIL, 2002.**



**TERRENCE L. MICHAEL**  
UNITED STATES BANKRUPTCY JUDGE

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